

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

HECTOR ALVAREZ ROSARIO, et al,
Plaintiff

v.

CIVIL NO. 04-1087 (DRD)

MIGUEL CARTAGENA, et al.,
Defendants

ORDER

Pending before the Court is plaintiffs' *Motion Pursuant to Rule 15(a) of the Federal Rules of Civil Procedure and Requesting the Continuance of Conference Scheduled for February 9, 2006*. (Docket No. 31). Through said motion plaintiffs inform the Court that, pursuant to that ordered by the Court in its Initial Scheduling Conference of December 20, 2005, they are now requesting the amendment of the Complaint. Accordingly, they further solicit the Court issue summons to be delivered to agent Javier Olmeda Torres, and the continuance of the Initial Scheduling Conference scheduled for tomorrow, Thursday, February 9, 2006. Finally, they request the voluntary dismissal with prejudice of the complaint against agent Pedro A. Rodriguez Morales.

The Court rules as follows:

1. Plaintiffs' request to amend the complaint is **GRANTED**.
2. Plaintiffs' request regarding issuance of summons as to agent Javier Olmeda Torres is **GRANTED**. The Court hereby **INSTRUCTS THE CLERK OF COURT** to **ISSUE** the requested summons. Plaintiffs shall have **TWENTY (20) DAYS** to serve process upon said defendant. Defendants that have yet to answer the complaint or otherwise plead shall, thus, have **TWENTY (20) DAYS** once summons are served to file their answer. Failure to do so will result in the Court entering default against non-complying party. Finally, once all defendants have been properly served, Plaintiffs are to inform the Court who shall then, schedule an Initial Scheduling Conference.
3. The Initial Scheduling Conference scheduled for tomorrow, Thursday, February 9, 2006 is hereby **VACATED**.
4. Plaintiffs' request for voluntary dismissal as to agent Pedro A. Rodriguez Morales is **GRANTED**. Partial Judgment will be issued accordingly.

IT IS SO ORDERED.

In San Juan, Puerto Rico, this 8th day of February of 2006.

s/ Daniel R. Dominguez
DANIEL R. DOMINGUEZ
U.S. DISTRICT JUDGE